

REMARKS

Claims 1-4 and 6-8 are pending. Claim 1 has been amended. Claims 9-15 have been added. As a result, claims 1-4 and 6-15 presently are pending.

The Examiner has objected to the drawings under 37 C.F.R. § 1.83(a) on the basis that they are computer generated pictures. Applicant submitted formal drawings on May 20, 2003, which are believed to meet the requirements of 37 C.F.R. § 1.84.

Withdrawal of the objection respectfully is requested.

Claims 1-4 and 6-8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat No. 6,086,593 to Bonutti in view of U.S. Pat No. 6,200,347 to Anderson et al. Applicant respectfully traverses the prior art rejections.

The present invention as recited in claim 1 is a method of correcting a deformity by performing an osteotomy in a bone at an osteotomy site using a bone plate. The method steps include resecting the bone from a first side of the bone to a second side of the bone so as to leave a bony hinge on the second side, and opening the resection to a height at which the deformity is corrected. The bone plate is placed in a location such that the bone plate spans the open resection. The open resection is packed with at least two separate wedge shaped sections of material.

Bonutti discloses a method of realigning bone using a wedge member. The wedge member is used to open a resected tibia, for example. The wedge member remains in place in the tibia to provide weight-bearing support. Mounting strips hold the wedge member in place. Significantly, the wedge member has a configuration that corresponds to the configuration of the outer side surface of bone at the location where the wedge member is to be installed in the tibia. Accordingly, the hard cortical outer layer of the bone has continuous engagement with the wedge member. Bonutti does not teach or suggest a method of resecting bone from a first side of the bone to a second side of the bone so as to leave a bony hinge on the second side, opening the resection, placing a bone plate in a location such that the bone plate spans the open resection, and packing the open

resection with at least two separate wedge shaped sections of material. On the contrary, Bonutti discloses a method in which the wedge member itself opens the resection and remains in place in the tibia. Further, the wedge member has an outer configuration that occludes the opening, which would prevent any added step of packing the open resection with at least two separate wedge shaped sections of material, as recited in amended claim 1 of the present application.

Anderson et al. does not cure the deficiencies of Bonutti. Anderson discloses composite bone grafts. Anderson does not teach or suggest a method that includes resecting bone from a first side of the bone to a second side of the bone so as to leave a bony hinge on the second side, opening the resection to a height at which the deformity is corrected, placing a bone plate so as to span the open resection, and packing the open resection with at least two separate wedge shaped sections of material. Further, Anderson et al. does not provide the motivation necessary to modify Bonutti to operate in a different way, as would be required to arrive at the present invention. Claim 1, and its dependent claims 2-4 and 6-8, are submitted as being patentable over the cited references.

New claims 9-15 have been added. The new claims are submitted as being patentable over the cited reference.

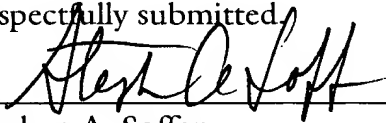
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In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. According, the Examiner is respectfully requested to pass this application to issue.

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Respectfully submitted,

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